THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14607 of 2007

Dated:10.07.2007

Between:

Chenchelapadu Suryanarayana, S/o.Adinarayana,
And others.

…Petitioners

and

Sub-Collector and Land Acquisition Officer,
Narasipatnam, Visakhapatnam District, and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14607 of 2007

ORDER:

The six petitioners are residents of Sreerampuram Village of Payakaraopet Mandal in Visakhapatnam District. They allege that an extent of Acs.8.79 cents in Survey No.17 situated in the said Village was occupied by their ancestors, who were in possession and cultivating the same. The petitioners also allege that at present they are enjoying the land. In paragraph 4 of the affidavit accompanying the Writ Petition, they allege that respondents are threatening to disturb the possession by taking the land on the ground that the same is to be distributed under Integrated Novel Development in Rural Areas and Model Municipal Areas (INDIRAMMA) programme. The petitioners contend that the land is not Government land, and in 1921, there was a partition among the forefathers when all the families got different shares from out of the total extent of Acs.8.79 cents. Therefore, they plead that without issuing any notification under Section 4(1) of the Land Acquisition Act, 1894, or any notice under the Andhra Pradesh Land Encroachment Act, 1905, the petitioners cannot be dispossessed highhandedly.

Learned Counsel for the petitioners reiterated the petition averments. Learned Assistant Government Pleader for Land Acquisition after getting instructions submits that the Writ Petition is filed on a mere apprehension, and there is not even a proposal as on today to take the land in Survey No.17 of Sreerampuram Village for

INDIRAMMA programme.

This Court does not see any strong reason to disbelieve the version of the learned Assistant Government Pleader. If ultimately the petitioners are dispossessed, as alleged, they always have a remedy to file a separate Writ Petition seeking a mandamus to acquire the land. This Writ Petition is misconceived, and is accordingly dismissed. No costs.

_____

(V.V.S.RAO, J)

10.07.2007
vs